

AN ACT

relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 58.252, Utilities Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Health center" means a federally qualified health center service delivery site.

SECTION 2. Subsection (a), Section 58.253, Utilities Code, is amended to read as follows:

(a) On customer request, an electing company shall provide private network services to:

- (1) an educational institution;
- (2) a library as defined in Section 57.021;
- (3) a nonprofit telemedicine center;
- (4) a public or not-for-profit hospital; ~~[or]~~
- (5) a legally constituted consortium or group of entities listed in this subsection; or
- (6) a health center.

SECTION 3. Subsection (b), Section 58.255, Utilities Code, is amended to read as follows:

(b) An electing company shall offer private network service contracts under this subchapter at 110 ~~[105]~~ percent of the long run incremental cost of providing the private network service,

1 including installation.

2 SECTION 4. Subsection (a), Section 58.258, Utilities Code,  
3 is amended to read as follows:

4 (a) Notwithstanding the pricing flexibility authorized by  
5 this subtitle, an electing company's rates for private network  
6 services may not be increased before January 1, 2016 [~~2012~~].  
7 However, an electing company may increase a rate in accordance with  
8 the provisions of a customer specific contract.

9 SECTION 5. Subsection (b), Section 58.259, Utilities Code,  
10 is amended to read as follows:

11 (b) The tariff rate may not be:

12 (1) distance sensitive; or

13 (2) higher than 110 [~~105~~] percent of the service's  
14 statewide average long run incremental cost, including  
15 installation.

16 SECTION 6. Subsection (c), Section 58.260, Utilities Code,  
17 is amended to read as follows:

18 (c) The rate for the service may not be higher than 110 [~~105~~]  
19 percent of the service's long run incremental cost, including  
20 installation.

21 SECTION 7. Subsection (b), Section 58.261, Utilities Code,  
22 is amended to read as follows:

23 (b) The rate for the service may not be higher than 110 [~~105~~]  
24 percent of the service's long run incremental cost, including  
25 installation.

26 SECTION 8. Section 58.268, Utilities Code, is amended to  
27 read as follows:

1       Sec. 58.268. CONTINUATION OF OBLIGATION. Notwithstanding  
2 any other provision of this title, an electing company shall  
3 continue to comply with this subchapter until January 1, 2016  
4 [~~2012~~], regardless of:

5               (1) the date the company elected under this chapter;  
6 or

7               (2) any action taken in relation to that company under  
8 Chapter 65.

9       SECTION 9. Subsection (a), Section 59.077, Utilities Code,  
10 is amended to read as follows:

11       (a) Notwithstanding the pricing flexibility authorized by  
12 this subtitle, an electing company's rates for private network  
13 services may not be increased before January 1, 2016 [~~2012~~].

14       SECTION 10. Section 59.083, Utilities Code, is amended to  
15 read as follows:

16       Sec. 59.083. CONTINUATION OF OBLIGATION. Notwithstanding  
17 any other provision of this title, an electing company shall  
18 continue to comply with this subchapter until January 1, 2016  
19 [~~2012~~], regardless of:

20               (1) the date the company elected under this chapter;  
21 or

22               (2) any action taken in relation to that company under  
23 Chapter 65.

24       SECTION 11. This Act takes effect September 1, 2011.

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S.B. No. 773

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 773 passed the Senate on April 19, 2011, by the following vote: Yeas 28, Nays 3; May 25, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 28, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 4. \_\_\_\_\_

Daisy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 773 passed the House, with amendments, on May 24, 2011, by the following vote: Yeas 111, Nays 28, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 28, 2011, House adopted Conference Committee Report by the following vote: Yeas 109, Nays 37, two present not voting. \_\_\_\_\_

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10 AM O'CLOCK

JUN 17 2011

Boyd R. Davis

Secretary of State